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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
| 10/747,669 | 12/29/2003 | Fusasuke Gotoh | KAM 17.895B (100799-00090) | 1565 |
| 26304 7590 12/28/2007 KATTEN MUCHIN ROSENMAN LLP 575 MADISON AVENUE NEW YORK, NY 10022-2585 | | | EXAMINER JOYCE, WILLIAM C | |
| | | | ART UNIT 3682 | PAPER NUMBER |
| | | | MAIL DATE 12/28/2007 | DELIVERY MODE PAPER |

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/747,669

Applicant(s)

GOTOH, FUSASUKE

Examiner

William C. Joyce

Art Unit

3682

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 October 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) 2 and 4 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 3, 5 and 6 is/are allowed.
- 6) ☒ Claim(s) 1 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

This Office Action is in response to the amendment filed October 5, 2007 for the above identified patent application.

Claim Rejections - 35 USC § 102

- 1) The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

- 2) Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Potter (USP 3,027,206).

Potter illustrates a retainer for a ball bearing formed in a generally annular shape and having a plurality of pockets arranged in a circumferential direction to hold a plurality of balls along a pitch circle, respectively; the pockets each having an opening on outer and inner sides in the radial direction of the retainer; the balls having a diameter and a rolling surface; the pockets each having an inner peripheral surface comprising a radially inner section which is located inward of the pitch circle of the balls in the radial direction of the retainer and a radially outer section which is located outward of the pitch circle of the balls in the radial direction of the retainer, the inner peripheral surface having a cylindrical surface which has an inner diameter being larger than the diameter of the balls at least on the radially inner section, and the radially outer

section having a pair of protruding pieces (14) on an end section thereof, and having a tip end edge of the radially outer section facing and coming in contact with or very close to the rolling surface of the balls, such that the gap between the radially inner section of the inner peripheral surface of the pockets and the rolling surface of the balls gradually increases toward the opening of the pockets on the inner side in the radial direction of the retainer, and that the maximum inscribing circle with respect to the opening of the pockets on the outer side in the radial direction of the retainer has a diameter smaller than the diameter of the balls.

Allowable Subject Matter

- 3) Claims 3, 5, and 6 are allowed.

Response to Arguments

- 4) Applicant's arguments filed October 5, 2007 have been fully considered but they are not persuasive.

The argument Potter teaches the pocket narrows toward the opening of the pocket on the inner side in the radial direction is not persuasive. Referring to Figures 3-4, Potter illustrates the pockets having fingers (14) defining a spherical surface having a diameter that is smaller than the diameter of the balls so as to secure the balls within the pockets. Further, an intermediate portion of the pocket located between the radial inner side and the radial outer side of the pocket is formed with a diameter that is larger than the diameter of the balls. Accordingly, the claimed gap between

the pockets and the balls gradually increase in a direction from the fingers to the intermediate portion. Accordingly, the claim language fails to overcome the prior art. It is acknowledged that Potter does not teach the gap as "only" gradually increasing toward the opening of the pockets on the radial inner side, however the claim does not recite such a limitation. If the claim is amended to recite the gap as "only" gradually increasing, further consideration would be required in determining the allowability of the claim.

The argument Potter fails to teach the tip end edge of the radially outer section facing...the rolling surface of the balls. This limitation is not persuasive for the following reasons. Referring to Figure 4, Potter illustrates a ball displaced in a radially outward direction (see dashed lines) such that a tip end edge contacts the ball. When the ball is displaced in the radial outward direction, the tip end edge of the finger faces the rolling surface of the ball.

For the above reasons, applicant's arguments fail to overcome the claim rejection based on Potter.

- 5) Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to William C. Joyce whose telephone number is (571) 272-7107. The examiner can normally be reached on Monday - Thursday 7:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Ridley can be reached on (571) 272-6917. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Application/Control Number:
10/747,669
Art Unit: 3682

Page 6

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


William C. Joyce 12/22/07